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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,682	07/24/2003	Byung-Wook Kim	678-1232 (P11297)	1050

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EXAMINER	
KARIKARI, KWASI	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/626,682	KIM ET AL.	
	Examiner	Art Unit	
	Kwasi Karikari	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 0207*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 3-7 is/are pending in the application.

4a) Of the above claim(s) *1,2,8 and 9 (canceled)* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 3-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/09/2007 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues that the combination of Wilson and Allison does not teach or suggest;

"determining if a spam blocking option is set, and if the spam blocking option is set, accessing a spam-blocking information database"

However the Examiner noticed that the claimed features upon which the Applicant relies (i.e. determining if a spam blocking... **and** if the spam blocking option is set, ...database,") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. Claims 1,2, 8 and 9 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-7 are rejected under U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. 20040167968 A1), (hereinafter Wilson) in view of Allison et al., (U.S. 6,819,932), (hereinafter Allison).

Regarding Claim 3, Wilson discloses method for blocking spam messages in a mobile communication terminal [email device, (106 and 100)], comprising the steps of:

a) when an message [email message] is received, determining if a spam blocking option is set (see Pars. [0015-20]);

b) if a spam blocking option is set, accessing a database of previously-registered spam-blocking information to determine if the received message is spam message (see Pars. [0015-20 and 0037]); and

c) when it is determined that the received message is a spam message controlling the terminal so as not to notify receipt of the message (device determines if message is spam before displayed; and action is taken or message is deleted, **see** step 210 in Fig. 2 and Pars. [0018 and 0024-25]); but fails to disclose d) reading a previously stored **warning message**, from the data base, and transmitting the previously stored **warning message** to a call back number detected from the SMS message.

However, Allison's teaching of a system that discards spam SMS message if the SMS message matches a lookup key; the generation of a new message to alert the originator of the discarded spam SMS message that the message was not delivered to the intended recipient and that additional SMS messages **should not be sent** to the intended recipient (**see** col. 4, lines 37-55; whereby the alert and "should not be sent" are being associated with the **warning message**), meets the claimed limitations reading a previously stored **warning message**, from the data base, and transmitting the previously stored **warning message** to a call back number detected from the SMS message.

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the system of Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Regarding Claim 4, Wilson discloses the method as set forth in claim 3, further comprising the step of;

e) determining if a spam message is set to be stored (update), after blocking the message-receipt notification, and storing the received spam message if it is determined that the spam message is to be stored (blacklist is updated for the purpose of blocking spam message and if signature is not found, then message is processed, **see** Pars. [0017-18 and 0023-24 and 0037]), but fails to teach SMS message.

However, Allison teaches a system that prevents the delivery of unwanted SMS messages (**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the system of Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Regarding Claim 5, Wilson discloses the method as set forth in claim 3, wherein a phone number [essential information] of a spam-message sender (sender address is added to the blacklist, **see** Par. [0025]) is registered in the spam-blocking information database, and said step a) further includes the step of:

a-1) detecting [matching signature] an message send phone number from the received message, and determining the message phone number is registered in the spam-blocking information database (if matching signature is found in the database, and phone number, **see** Par. [0020-24 and 0029], but fails to teach SMS message.

However, Allison teaches a system that prevents the delivery of unwanted SMS messages (**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the system of Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Regarding **Claim 6**, Wilson disclose the method as set forth in claim 3, wherein a predetermined word (essential information) is registered in the spam-blocking information database (104), and said step a) further includes the step of:

a-2): determining if the registered predetermined word is included in the received message (signatures are sent to a database, **see** Par. [0017 and 0020-24]), but fails to teach SMS message.

However, Allison teaches a system that prevents the delivery of unwanted SMS messages (**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the system of Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Regarding **Claim 7**, Wilson discloses the method as set forth in claim 3, wherein a phone number of a spam message sender (sender address is added to the blacklist, **see** Par. [0025]) and a predetermine word [signature] implying a spam message are registered in the spam-blocking information database [104], and said step a) further includes the steps of

a-1) detecting a message phone number from the received message, and determining if the message phone number registered in the spam-blocking information database (spam blocking server look for signature in the database, **see** Par. [0018]) and;

a-2) determining if the registered predetermined word (essential information) is included in the received SMS message [**see** Pars. [0020-24] and step 206 in fig.2], but fails to teach SMS message.

However, Allison teaches a system that prevents the delivery of unwanted SMS messages (**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the system of Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Conclusion

4. **Examiner's Note**: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then

the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of 33the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rafael Pérez-Gutiérrez* can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari
Patent Examiner.
06/14/2007.

RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER
6/17/07